

### **REMARKS**

This Paper is respectfully submitted in response to the Office Action rendered in the above-identified patent application on December 15, 2005. Claims 1, 2, 6, 7, 12, 14, 20, 21, 25, and 27 have been amended and Claims 5 and 13 have been canceled without prejudice, and Applicants reserve the right to claims such amended or canceled subject matter in continuation application that may be currently pending or filed in the future. Therefore Claims 1-4, 6-12, and 14-27 are pending.

Support for the amendments to claims Claims 1, 2, 6, 7, 14, 12, 20, 21, 25, and 27 can be found throughout the present application, e.g., original claims 5 and 13. Accordingly, no issues of new matter are believed to be raised by the above amendments.

#### Double Patenting

Claims 1-4, 8-12, 16-19, 24, and 27 have been provisionally rejected on the ground of nonstatutory double patenting over copending Patent Application Serial No. 10/340,341. (Office Action, pages 2-3) Applicants respectfully request reconsideration of this provisional rejection as this case has been abandoned.

#### Rejection Under 35 U.S.C. §112

Claims 1-19 and 24 were rejected under 35 U.S.C. §112, as failing to comply with the enablement requirement. (Office Action, pages 4-9) The basis for this rejection was given as follows:

The specification, while being enabling for the control or inhibition of oily/shiny skin or acne, does not reasonable provide enablement for the prevention of the oily,shiny skin appearance, or for the prevention of consequential disorders of oily,shiny skin appearance, such as acne. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. (Office Action, page 4)

Applicants respectfully disagree. However, in the interests of furthering the present application to allowance, Applicants have amended claims 1, 2, and 12 to delete reference to the term “preventing” as requested by the Examiner. Applicants respectfully request reconsideration.

Rejections Under 35 USC § 102(b)

I

Claims 1-4, 8-12, 16-19, 24, and 27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Khaiat et al (WO 02/05773) (“Khaiat”). (Office Action, pages 9-10). The basis for this rejection was given as follows:

Applicants’ claims are directed to a method of controlling and/or inhibiting the oil nature of skin and consequences thereof, by applying a composition comprising of: a sebum regulator; an anti-inflammatory compound; a keratolytic agent; bacterial lipase inhibitor; and a bacterial proliferation inhibitor.

Khaiat disclosed a method of controlling and/or inhibiting the oil nature of skin and consequences thereof (claim 3), by applying a composition comprising of: a sebum regulator, such as cedarwood extract (pg. 5, line 6-13); an anti-inflammatory compound, such as allantoin or alpha-bisabolol (pg. 8, line 19-22); a keratolytic agent, such as salicylic acid (pg. 17); bacterial lipase inhibitor, such as cedarwood extract (pg. 6, line 1-10); and a bacterial proliferation inhibitor, such as salicylic acid (pg. 17). (Office Action, pages 9-10)

Applicants respectfully disagree. However, in the interests of furthering the present application to allowance, as discussed above, Applicants have amended independent claims 1, 2, 12, and 27 to recite the composition comprises a sebum-regulator that is a 5-alpha-reductase inhibitor. Khaiat does not disclose such a sebum regulator.

Accordingly, Khaiat fails to disclose, or suggest, the compositions and methods of Claims 1-4, 8-12, 16-19, 24, and 27. Applicants, therefore, respectfully request that this rejection be withdrawn.

II

Claims 1-7, 9-11, 12-15, 17-19, 24, and 27 were rejected under 35 U.S.C. §§102(b) as being anticipated by De Paoli (EP 1269991) ("De Paoli"). (Office Action, page 10.) The basis for this rejection was given as follows:

Applicants' claims are directed to a method of controlling and/or inhibiting the oil nature of the skin and consequences thereof, by applying a composition comprising of: a sebum regulator; an anti-inflammatory compound; a keralytic agent; bacterial lipase inhibitor; and a bacterial proliferation inhibitor.

De Paoli disclosed a method of controlling and/or inhibiting the oil nature of skin and consequences thereof, by applying a composition comprising of: a sebum regulator, such as linoleic acid [0026] or caprylol glycine [0020], [0048]; an anti-inflammatory compound, such as triethyl citrate [0026] (part 2); a keratolytic agent, such as salicylic acid [0020]; bacterial lipase inhibitor [0029]; and a bacterial proliferation inhibitor, such as salicylic acid [0020]. (Office Action, page 10)

Applicants respectfully disagree. While De Paoli does disclose compositions containing caprylol glycine, De Paoli does not disclose such a composition that further contains both an anti-inflammatory agent, such as portulaca extract, and a keratolytic agent, such as salicylic acid. Accordingly, De Paoli fails to disclose, or suggest, the compositions and methods of Claims 1-7, 9-11, 12-15, 17-19, 24, and 27. Applicants, therefore, respectfully request that this rejection be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claims 1-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Khaiat in view of De Paoli, Chan et al (The analgesic and anti-inflammatory effects of *Portulaca oleracea* L. subsp. *Sativa* (Haw.) Celak. J Ethnopharmacol. 2000 Dec; 73(3):445-51.), and Malton et al (US 6,893,647). (Office Action, page 11-13) The basis for this rejection was given as follows:

Applicants' claims are directed to a method of controlling and/or inhibiting the oil nature of skin and consequences thereof, by applying a composition comprising of: a sebum regulator, such as a glycine derivative; an anti-inflammatory compound, such portulaca extract; a keratolytic agent; bacterial

lipase inhibitor; bacterial proliferation inhibitor; and a fragrance such as cinnamon extract.

As discussed above, Khaiat teaches a method of controlling and/or inhibiting the oil nature of skin and consequences thereof (claim 3), by applying a composition comprising of: a sebum regulator, such as cedarwood extract (pg. 5, line 6-13); an anti-inflammatory compound, such as allantoin or alpha-bisabolol (pg. 8, line 19-22); a keratolytic agent, such as salicylic acid (pg. 17); bacterial lipase inhibitor, such as cedarwood extract (pg. 6, line 1-10); a bacterial proliferation inhibitor, such as salicylic acid (pg. 17); and a fragrance (pg. 9, line 12). (Office Action, page 11)

The Examiner acknowledges that “Khaiat does not specifically teach using: a sebum regulator, such as a glycine derivative; an anti-inflammatory compound, such as portulaca extract; or a fragrance such as cinnamon extract.” (Office Action, page 12) To overcome this acknowledged gap, the Examiner turns to De Paoli as “using 5-alpha-reductase, such as caprylol glycine [0020], a glycine derivative for the treatment of acne,” to Cahn for disclosing “that portulaca extract has anti-inflammatory properties,” and Malton for teaching “that cinnamon extract is suitable fragrance.” (Office Action, page 12)

Applicants respectfully disagree. However, in the interests of furthering the present application to allowance, as discussed above, Applicants have amended independent claims 1, 2, and 12 to recite the composition contains a sebum-regulator that is a 5-alpha-reductase inhibitor, an anti-inflammatory compound, and a keratolytic agent. Independent claim 22 similarly recites a composition containing a sebum-regulator that is a 5-alpha-reductase inhibitor, salicylic acid, and portulaca extract, independent claim 25 similarly recites a composition comprising a cedar wood extract, an amino acid derivative, a cinnamon extract, an anti-inflammatory compound and a keratolytic agent, and independent claim 27 similarly recites a composition comprising a sebum regulator that is a 5-alpha-reductase inhibitor, an anti-inflammatory compound and a keratolytic agent. As discussed above, neither Khaiat nor De Paoli disclose, or suggest, such a composition or method. Chan et al. and Malton et al. similarly fail to disclose, or suggest, such a composition or method.

Independent claim 20 recites a composition comprising the ingredients cedarwood extract, salicylic acid, and portulaca extract. As discussed above, neither Khaiat or De

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Paoli disclose, or suggest, a composition comprising portulaca extract. Malton also fails to disclose, or suggest, a composition comprising portulaca extract. While Chan may disclose the use of portulaca extract as an anti-inflammatory agent, it fails to disclose its use in combination with cedarwood extract and salicylic acid, as recited in independent claim 20. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. Applicants look forward to an early notice of allowance for this application.

Respectfully submitted,

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